

Docket No. 20238
Serial No.: 10/729,408

REMARKS

Claims 1, 2, 4, 5, 7 – 10, 13 – 15, 17, 18, 20, 24 – 26, 28, 31, 33, 34 and 36 have been rejected under 35 USC §102(b) as anticipated by Wallace et al. (US patent 5,951,497).

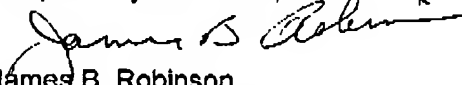
The venting catheter of Wallace is part of a device for detecting pressure changes within a body, more particularly, pressure changes in amniotic fluid. The venting described by Wallace exists "so as to permit venting of air in the catheter to the atmosphere but prevent ejection of amniotic fluid, with attendant risk of pathogen exposure" (column 16, lines 42 – 44). This is not a therapeutic purpose, it is merely for the purpose of filling the catheter with body fluid so that it reaches the viewing port. If the Wallace device could be inserted with the catheter under vacuum, the vent would be unnecessary.

Applicants' venting catheter performs a therapeutic function. It vents gases generated within the body, particularly those generated within the digestive system. These enteric gases and the resulting pressure are discussed in the specification (see for example page 1, line 22 – 29) and are quite uncomfortable for the patient. This is a very different situation than the pressure detecting catheter of Wallace and this distinction is reflected in the above claims as amended.

Applicants respectfully request that the amendments to the claims be entered. These claims clearly indicate that Applicants' invention relieves enteric gas pressure, not merely air.

Applicants respectfully request reconsideration of the rejection and allowance of the Application, which should now be in condition for allowance. The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this manner or require any additional information.

Respectfully submitted,


James B. Robinson
Registration No.: 34,912
(770) 587-7273